

United States District Court

For the Northern District of California

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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAIDALIA LOPEZ, *et al.*, No. C-14-2780 EMC

Plaintiffs, No. C-14-2840 EMC

v.

CONSOLIDATED CASESUNITED ABRASIVES, INC., *et al.*,

Defendants.

ESTATE OF ARIEL MUÑOZ GARCIA,
et al.,

Plaintiffs,

v.

TOP CAT AIR TOOLS, *et al.*,

Defendants.

**SUPPLEMENTAL BRIEFING ORDER
REGARDING PETITION FOR
APPROVAL OF MINORS'
COMPROMISE**

(Docket No. 44)

On August 31, 2015, Plaintiffs petitioned the Court to approve a settlement of the legal claims of the decedent's minor children. Docket No. 44. As the Plaintiffs recognized in their filing, this Court has a "special duty . . . to safeguard the interests of litigants who are minors." *Robidoux v. Rosengren*, 638 F.3d 1177, 1181 (9th Cir. 2011). Specifically in the "context of proposed settlements in suits involving minor plaintiffs, this special duty requires a district court to conduct its own inquiry to determine whether the settlement serves the best interests of the minor." *Id.* (citation omitted). The Court must consider the fairness of the proposed settlement, and must specifically consider whether the "proposed net recovery" of the minor plaintiffs "is fair and reasonable in light

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1 of the facts of the case, each minor's claims, and typical recovery by minor plaintiffs in similar
2 cases." *Id.* at 1182.

3 Plaintiffs' petition does not currently shed light on any of the issues the Court must consider
4 under Ninth Circuit law. For instance, the Plaintiff has not provided information regarding the
5 "typical recovery" of minor plaintiffs in similar actions, or detailed the facts of this case and
6 explained why the proposed settlement amounts are fair and reasonable. Consequently, the
7 Plaintiffs are hereby **ORDERED** to file a supplemental brief, not to exceed ten (10) pages in length,
8 that explains why the Court should approve this settlement. Among other things, the brief should
9 detail the facts of the case, explain the litigation risks that Plaintiffs face if this case is not settled,
10 and provide sufficient data regarding comparable settlements of comparable claims. To the extent
11 that Plaintiffs' submission might reveal attorney-work product or otherwise privileged information
12 (*e.g.*, a candid assessment of litigation risks if the case is not settled), such information can be filed
13 under seal and *ex parte* by way of a separate declaration. Plaintiffs' brief shall be filed no later than
14 Friday, September 18, 2015. The Court will hold a hearing on this matter on September 24, 2015 at
15 1:30 p.m.

16 IT IS SO ORDERED.

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18 Dated: September 1, 2015


19 EDWARD M. CHEN
20 United States District Judge
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